

### **REMARKS**

The comments of the Examiner as set forth in the official office action have been carefully studied and reviewed. In this response, claims 1, 8, 15, 20 and 22 have been amended, and claims 5, 6, and 11-14 have been canceled. For the reasons set forth below it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

The pending claims have been rejected based on a number of references including U.S. Patent No. 4,598,518 to Hohmann, U.S. Patent No. 4,875,319 to Hohmann, U.S. Patent No. 4,955,172 to Pierson, U.S. Patent No. 1,854,633 to Stephens, U.S. Patent No. 5,816,008 to Hohmann, U.S. Patent No. 4,206,577 to Moriez et al., and U.S. Patent No. 3,918,230 to Carroll.

All of the claims in the present application have been amended to include limitations relating to the triangular shaped spikes that are formed in the plate and which project from the plate. In particular, all the claims have been amended to recite a series of triangular shaped spikes cut from the plate and bent outwardly from the plate such that each triangular shaped spike forms a triangular shaped opening in the plate and projects outwardly from the plate away from the triangular shaped opening formed by the spike.

In order to meet the triangular shaped spike limitation found in the original claims, the Examiner has cited U.S. Patent No. 4,598,518. It is true that this patent does disclose a brick tie where the opposite ends are bent outwardly and include pointed extremities. However, the claims as amended now call for the triangular shaped spikes to be cut from the plate and to be bent outwardly from the plate so as to form triangular shaped openings in the plate. Certainly, U.S. Patent No. 4,598,518 does not show this feature of Applicant's invention.

All of the patents cited and relied upon by the Patent Office have been reviewed. None of these patents show this claimed feature.

For the reasons set forth above, it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

**COATS & BENNETT, P.L.L.C.**

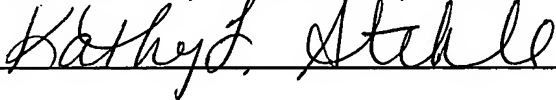
By:

  
Larry J. Coats  
Registration No. 25,620

P.O. Box 5  
Raleigh, NC 27602  
Telephone: (919) 854-1844

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING DEPOSITED WITH THE UNITED STATE POSTAL SERVICE, ON THE DATE INDICATED BELOW, AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Signature: 

Name: Kathy L. Stehle

Date: 2/2/2005